

REMARKS

Applicant has carefully studied the Office Action of April 9, 2003 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification to remove a reference to an unidentified document. No new matter is added by this amendment.

Claim 14 is amended to conform the articles used in front of the term "means." Applicant further amends claims 3 and 17 to eliminate an extraneous "an." No new matter is added by this amendment, and the scopes of claims 3, 14 and 17 are not changed by this amendment.

Before addressing the merits of the rejections based on the references, Applicant provides a summary of the present invention so that the remainder of the remarks will have their proper context. The present invention is designed to eliminate receipt printers from the fuel dispensers themselves. This is noted at various locations in the specification such as page 2, lines 6-10; page 6, lines 10-14; and the Abstract. Elimination of the receipt printer in the fuel dispenser allows the cost of an individual fuel dispenser to be lowered as well as simplify the weatherproofing required for a fuel dispenser. To effectuate the elimination of the receipt printer from the fuel dispenser, the present invention provides a consolidated receipt printer at a single location within the fueling environment, removed from the fuel dispensers. During a fueling transaction, the customer is associated with some form of indicia that is presented to the receipt printer, and a receipt may be collected, if a receipt is desired by the customer, from the receipt printer. In all likelihood, the payment for the fueling transaction has already been effectuated at the fuel dispenser prior to the commencement of fueling.

§ 112

Claim 18 was rejected under 35 U.S.C. § 112 as lacking antecedent basis for the phrase "said physical characteristics." Applicant herein amends claim 18 to depend from claim 17 to provide the appropriate antecedent basis for claim 18.

§ 102(e)

Claims 1-7, 14, 19, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by McCall et al. Applicant respectfully traverses. For the Patent Office to show anticipation, the

Patent Office must show where each and every claim element is located in the reference and the elements of the reference must be arranged as claimed. MPEP § 2131. As amended, claims 1, 7, and 14 indicate that the fuel dispensers do not have receipt printers. Support for the amendment can be found at page 6, lines 10-14 and the Abstract, lines 6-7. As noted above, the elimination of the receipt printers from the fuel dispensers is one of the foci of the present invention. In contrast, McCall et al. contemplates a fuel dispenser with a receipt printer. The customer has two payment/receipt options: 1) paying at the fuel dispenser and receiving the receipt at the fuel dispenser; or 2) paying inside and receiving the receipt inside. Nowhere does McCall et al. teach or suggest that the customer may pay at the fuel dispenser and receive the receipt from a central location; nor does McCall et al. teach or suggest a fuel dispenser that does not have a receipt printer as claimed. McCall et al. teaches a dispenser that acts as a payment receiver and a receipt printer. It is the presence of the receipt printer that causes the increase in cost that Applicant addresses by removing the receipt printer from the fuel dispensers and consolidating the receipt printers of the various fuel dispensers into a single transaction accounting delivery station. To this extent, the anticipation rejection of independent claims 1, 7, and 14 is not supported, and the claims are allowable. Applicant requests withdrawal of the anticipation rejection of claims 1, 7, and 14 at this time.

Claims 2-6, 19, and 20 depend directly or indirectly from allowable claims 1 and 14 and are allowable at least for the same reasons that claims 1 and 14 are allowable. Applicant requests withdrawal of the anticipation rejection of claims 2-6, 19, and 20 at this time.

§ 103

Claims 5 and 13-20 were rejected under 35 U.S.C. § 103 as being unpatentable over McCall et al. in view of Hartsell Jr. et al. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish *prima facie* obviousness, the claims are allowable over the rejection.

Applicant has amended the underlying independent claim 1 as well as independent claims 13 and 14 to recite that the fuel dispenser does not have a receipt printer. Claims 5 and 13-30 either are the claims that have been amended or depend from the claims that have been amended and, in either circumstance, include the amended limitations of the independent claims. As

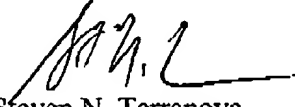
explained above, McCall et al. does not teach or suggest that the fuel dispensers do not have receipt printers. Nothing in Hartsell Jr. et al. cures this deficiency in McCall et al. Thus, the combination does not show or suggest the claim element, and the Patent Office has not established *prima facie* obviousness. Since the Patent Office has not established *prima facie* obviousness, the claim is allowable over the rejection.

Applicant requests reconsideration of the rejection of the claims in light of the amendments and arguments presented herein. Applicant further solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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Date: April 29, 2003
Attorney Docket: 2400-370

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